

STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
April 23, 2012

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, April 23, 2012, was called to order at 7:10 p.m. by Chairman Tom Coen in the County Administration Conference Room of the County Administration Building.

Members Present: Coen, Adams, Clark, and Hunt

Members Absent: DeBernard, McClevey, and O'Hara

Staff Present: Baker and Magwood

1. Call to Order

Mr. Coen called the meeting to order at 7:10. He asked Ms. Magwood to call the roll. Four members and a quorum were present. (Mr. McClevey, Mr. DeBernard, and Mr. O'Hara were absent)

2. Approval of Minutes

- February 28, 2012

Mr. Coen stated that the first item was to approve the minutes for February and March. He asked were there any comments, questions, queries, or changes. He called for a motion for the approval of the February 28, 2012 minutes. Mrs. Clark so moved the motion and Mr. Adams seconded. Mr. Hunt stated that he did not recall being present in February, so he would abstain from the vote. Mr. Coen proceeded to call for the vote. The approval passed 3 to 0, with the exception of Mr. Hunt's vote.

- March 26, 2012 minutes

Mr. Hunt so moved the motion to accept the minutes for March and Mrs. Clark seconded. Mr. Coen proceeded to call for the vote. The approval passed 4 to 0.

3. Staff Update

- Farmers Market Ordinance

Mr. Coen proceeded for a staff update on Farmers Market Ordinance. Mrs. Baker stated that she and Mr. Adams attended the April 3rd Planning Commission meeting, in which they approved the Ordinance as is. She stated that they did request that the Board set a standard fee for a Zoning Permit, which had previously been discussed. She stated that the permit is required through the Zoning office and they wanted it to be as low as possible, so they asked that the Board set it at \$25. She stated that the Ordinance will still have to go to the Board, which will be in June, possibly the second meeting in June. Mr. Adams questioned would the Zoning permit fee be written into the Ordinance. Mrs. Baker replied it would be

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treated separately. Mr. Adams stated that it would be similar to having two different votes from the Board. Mrs. Baker stated that they would actually have to authorize a public hearing to set a specific fee because they have to advertise differently for fees. Mr. Adams stated that as he recalled it was a unanimous vote and Mrs. Baker concurred. Mrs. Baker stated that there was some discussion on the VDOT process and having the commercial entrance, but after they reported back and they decided that it was the way to go, so no one made any changes to the Ordinance, so it will go forward as is to the Board. Mr. Coen asked if there was any idea when the Ordinance would go to the Board. Mrs. Baker replied that it will go to the Board in June, possibly their second meeting, which is June 19th. Mr. Coen stated that he would be back from grading AP exams by that time if his presence is needed at the meeting. Mrs. Baker stated that she would keep the committee posted as the official date is set. Mr. Coen asked for any questions and gave thanks to Mrs. Baker and the people that have been working on that project.

4. Unfinished Business

- Development Rights Valuation

Mr. Coen proceeded to unfinished business. Mrs. Baker stated that the Development Rights Valuation had been discussed the last couple of times, and was determined at the previous meeting to wait until there were more members present. She stated that there is no hurry on taking the vote and Mike Keyes from the Commissioner's office actually said he would come back and report in June if there looked like there was going to be any changes to land sales or sales that might potentially make the committee reconsider that, but he did not really anticipate any changes. He said by then he would have a better idea of how sales were going after spring sales. She stated that the discussion was to drop down to \$25,000 instead of \$30,000 and Mr. Adams concurred. She stated that everybody was in general agreement, but did not officially take a vote on that until everyone is present. She stated that she would allow the committee to decide if they wanted to vote or delay it one more time. Mr. Adams stated that he was still in favor of the \$25,000. He stated that he believes that they all agree that it has to go down and the figure may change, but everyone has been saying to wait until everyone is present or at least 6 out of the 7, rather than 4 out of 7. Mrs. Clark concurred. Mr. Adams stated that the previous month there were five members present and decided to postpone the vote. Mrs. Clark suggested waiting and Mr. Hunt concurred. Mr. Coen stated that in theory they can put it on the agenda for May and deal with it in either May or June. Mrs. Baker stated that there is no hurry and in June they may have a better idea of how much PDR money is available and discuss proceeding at the end of the year. Mrs. Clark stated that the figure does need to be set before moving forward with the next round. Mrs. Baker and Mr. Coen concurred. Mr. Coen asked when the round would be. Mrs. Baker stated that if they wait until another round of State funding they would not know how much money they have until October, but they will know in July what they have left over from the land use rollback funding. Mrs. Clark stated that would give them two rounds of State funding plus the committee's roll back money to pull together. Mr. Coen asked would it be two years of roll back. Mrs. Baker stated that it would be the two years because they have the \$66,000 from last year. Mrs. Clark stated that it seems to her that building is really ramping up in her area, and she feels that it is on land that was in land use or it would have made sense if the developer kept it in land use until they started building on it. She stated that she feels there is some land being switched out, but she is unsure. Mrs. Baker stated that they can give the committee an idea and she

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can inform the committee the next meeting what may be available. She stated that she is unsure of the State's budget, but they will let her know. Mrs. Baker stated that they would not know about the funding availability and they would have to apply to the State in October because that is when the round is, but they actually will not be informed until December. Mr. Coen stated for clarification that they would start another round in January. Mrs. Baker replied yes, probably around that time if they knew the actual funding. She stated that they could start putting their information together in October and get it out to the public by January to get applications back. Mr. Coen concurred. Mr. Adams asked if there was previously, before the applications went out, a meeting in the Board Chambers. Mrs. Baker stated that yes, there was a public informational meeting. Mr. Adams asked if they would do that again or just bypass that since it has already been done once. Mrs. Baker replied yes, they probably would after they know the potential for funding. She stated it should not be done in advance because people may ask how much money is available, but by September they should have an idea of how much the State is going to offer. Mr. Adams asked if they tried to use the matching money that Ron Wisniewski was referring to, then they would have to exclude a lot of properties. Mrs. Baker replied yes, because their funding is for strictly agricultural lands. Mr. Adams asked if they would have to commit to that first in order to use the available money. Mrs. Baker replied no, because their process is totally different. She stated that they would actually have to identify a property first and then go through getting their funds, so it is a different process. She stated that it is kind of like the Quantico process, they have to know the property they are going after first and they have to have the owner's consent and know how much it is, plus appraisals have to be done for the Farm and Ranch Lands Program. We don't currently do the appraisal so that is another thing that they have to factor in. She stated that they have an annual application round, so it is just a matter of deciding once they have a property of going forward and asking for that. Mr. Adams asked if it was the type of thing that if they chose an agricultural property like Jerry Silver's, once they knew that was the site, could he then go out and separately look at the money or would the agriculture committee go. Mrs. Baker stated that the locality has to apply for that funding. She stated that she does not know enough about it as far as the specifics and who actually does the application. Mr. Coen stated that they would wait until there were 6 out of 7 members present to continue at the May or June meeting.

- Chesapeake Bay/Total Maximum Daily Loads

Mr. Coen proceeded to the Chesapeake Bay issue. Mrs. Baker stated that the official notice came from the State as to what needs to be done regarding compliance with the Chesapeake Bay Preservation Program. Mrs. Baker stated that it was summarized for the Board of Supervisors committee. She stated that there were two issues on the matter and the Board had decided to move forward on an Ordinance Amendment. She stated that it would require notes on the plats saying that RPAs cannot be disturbed when building. Mrs. Clark stated that she was unclear of the wording for the notation on the plat of the requirement to retain and undisturbed vegetated 100 foot wide buffer area, but it never states adjacent to an RPA. She stated that the Ordinance says there has to be an undisturbed 100 foot buffer area around the RPA. Mr. Coen stated that it is the exact wording from it. Mrs. Clark stated that it does not say around an existing pond, or on a slope, or anything similar. Mrs. Baker stated that the issue that she would be working with the committee to deal with is that they must develop a plan to require the agricultural lands have a conservation assessment use to be conducted. She stated that there is a meeting scheduled with Matt Carroll from Tri County on May 3. She stated that she, Steve Hubble, and Amber Forestier would

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be working together on it. Mrs. Clark asked if Mike had been replaced yet. Mrs. Baker replied not yet because they just advertised the position, so it probably going to be two or three months before the position is filled. Mrs. Baker stated that tentatively the Tri-County meeting will be at 11 a.m. in the County Administration Conference Room. Mr. Hunt asked if Mrs. Baker could send out an email. Mrs. Baker replied sure, it would not be a problem. Mr. Hunt stated that everyone should remember that the County does give the \$30,000 to Tri-County each year. Mrs. Baker stated that was discussed at the Board Committee meeting. Mrs. Clark asked if Spotsylvania was in compliance, and if Stafford was the only one out of compliance. Mrs. Baker stated that was a good question because she was unsure. Mr. Hunt stated that he could not answer that question definitively but it would be shocking if anyone was in compliance. Mrs. Clark stated that she was hoping that if they were the only county out of compliance in Tri City County that maybe they could put their emphasis on them, but not if everyone is out of compliance. Mr. Coen stated they may not make any attempt to be in compliance. Mr. Hunt stated that about 10 percent of farms have management plans. Mr. Adams stated that on public television the previous night they went into best management practices and they went into TMDL and in some cases what they were calling the best management practice just planting grass seeds to not have mud. Mr. Hunt and Mrs. Clark concurred. Mrs. Clark suggested that Mr. Hunt and Mr. Adams put together the list to get Stafford County in compliance. She stated that at the last Farm Bureau Board meeting she floated the idea that they might be finding some kind of checklist or something in with their land use papers or that they might be doing something somewhere along the line with them and to not look at it as a negative thing, but if it could help put Stafford in compliance then that would keep everyone happy. Mr. Hunt stated that his guess would be that it did not go over very well. Mrs. Clark stated that when she mentioned it at first everyone bristled, but as she talked in terms of it would keep everyone happy, then they started to relax a little but she felt like it was kind of a group that needs to be talked to several times. Mr. Hunt stated that conservation plans are a bit intricate, a little unrealistic, and a little out of date by the time they are written. Mr. Adams stated that they were voluntary. Mrs. Clark stated that the other problem they have is how much green is below Quantico, not much. She asked if any kind of plan that we put together is really going to affect the Chesapeake Bay situation more than dealing with the houses that are in all the white parts. Mr. Hunt stated that has been the argument from the beginning. Mrs. Baker stated that she thinks that is part of the information they are trying to glean from localities because they really do not know, so in order to make sure they are compliant, a big piece of it is just gathering data. Mr. Hunt stated that there were several hundred farms. Mrs. Baker stated there were 600 more or less that are in either agriculture or horticulture. Mr. Adams stated that the thing that is misleading is that the green is actually what is in land use. Mrs. Baker, Mr. Coen, and Mr. Hunt disagreed. Mr. Coen stated it was just agriculture intersecting with an RPA. Mrs. Clark stated it was green and yellow. Mrs. Baker stated that the yellow is not having any RPA at the property, and the blue is horticulture. Mr. Hunt stated that his argument from the beginning was somehow there has to be an understanding that there are two uses of the word agriculture, there are farmers and then there are people that have parcel of land in land use called agriculture for tax reasons that are not in commercial agriculture in any way. Mrs. Clark stated that they are supposed to be. Mr. Hunt disagrees according to the tax records. Mrs. Baker stated that they would continue to glean information from the Commission of Revenue, they have to actually create a list that says what exactly the use is, and there is some software out there that needs to be updated to easily create a report. Mr. Hunt stated that if they have a piece of property and they say that they plan to harvest those trees then they are agricultural. Mrs. Clark stated that they are silvaculture and it is different on the

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land use farm. Mr. Coen stated that they are not farming on the Renaissance Fair. Mr. Hunt stated that they have to get the words to recognize that the words do not mean what they think they mean because they are not farms. Mrs. Adams stated that he does not consider people with two or three horses to be agriculture and farming. Mr. Hunt stated that they do for tax purposes. Mr. Adams stated that horses do not qualify for land use. Mr. Hunt stated that for purposes if they cause a land agriculture they get the tax rate. Mrs. Clark stated that they have to call it pasture. Mr. Hunt stated that it is all about the tax rate that they pay on the land. Mrs. Clark stated that the people that have that 20 acres of contiguous wood, so they are not hurting the Chesapeake Bay because they are not putting any kind of pesticides on it, they are not putting any fertilizers on it, and they have built in buffers, so that is a plus. Mr. Hunt stated that they come full circle because it is not the agriculture part that is hurting the bay, but there are some pig farms on the slopes of the Chesapeake Bay that need to do better. Mrs. Clark stated that there are not many. Mr. Hunt stated that it is so much easier for the Chesapeake Bay people to attack agriculture than it is to attack residential, and residential is where the run-off problem comes from. He stated that his philosophy has been to put together a plan to bring agriculture in its broadest sense and Chesapeake Bay compliance, then he can move on and start to say things like "let's go to non-phosphorous non-nitrogen lawn fertilizer, let's have some real incentives to do that", but until that is done the problem will not be solved. Mr. Hunt stated that he is involved in the boating and dredging community. Mrs. Clark stated that they have a lot of properties really close to the water. Mr. Hunt stated that they have major run-off issues. Mr. Hunt stated that they are not involved in any of it because they are residential. Mrs. Clark stated that it seems to her that they have agreed to put something in with the land use bills. Mrs. Baker stated that the Commissioner of Revenue said that is fine with that. Mr. Hunt stated that his concern is meeting with the Tri-County people and they suggest doing a resource management plan. Mrs. Baker stated that they don't have to have a plan, they just have to have it laid out on how they are going to go about implementing that plan. Mr. Hunt stated that he and Mrs. Baker could build a checklist and create a plan that would qualify that would cost less than nothing. Mr. Adams stated that he found it interesting that the big guys are accounted for but the dairy operations that are milking three or four a head, everyone knows about them and they are being monitored, but the little guy that has two cows and three chickens and one pig that they do not know about them and they do not know what is going on. Mr. Hunt stated that the assumption is they are the guys that are polluting the Bay, but he disagrees. Mrs. Clark stated that in Stafford it is of minimum emphasis, but if they can get in compliance by doing the checklist then she agrees to do it. She stated that part of the problem is the Chesapeake Bay people do not really know what they want because Mr. Hunt has stated that a few times. Mr. Hunt stated that the model that they use is gross, in terms of large, but the model is really unsophisticated and aggregated. Mr. Adams stated that if what they were saying was true and he was unsure, but they were saying that they could go to Aquia Creek, take samples and using nitrogen isotopes that they could tell whether the fertilizer was manure or chemical fertilizer, they could analyze the nitrates and tell where it was coming from. Mr. Hunt agrees. He stated that he was unsure if they did that, but he does agree. Mr. Adams stated that he has never done any research but if that was true it would not be hard to go to a couple of key places. Mrs. Baker stated except that it may not be coming from any of the sources, it may be coming from somewhere else outside the County and just ends up in the Stafford County creeks and streams, so the issue is not exactly knowing where the pollution is coming from. Mr. Hunt stated that in Aquia Harbor they have stables with 30 paddocks and two fenced in corrals on Austin Run. Mr. Adams stated that manure piles are huge. Mr. Hunt stated that it is not on the map because it is residential. Mrs. Baker stated that there will not be a lot of those cases

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that are residential in the County. Mr. Hunt stated that he would point the finger at the farmer. Mrs. Baker and Mr. Coen concurred. Mr. Coen stated that there are fewer of them and more of the residents. He suggested the first step be going May 3rd to meet with Tri-County and then Mr. Adams and Mr. Hunt get together a checklist and proceeds from there. Mr. Hunt stated that he will be present on May 3rd if Mrs. Baker sends an email as a reminder. Mrs. Baker agreed with the statement. Mr. Hunt stated that his concern is that Tri-County will immediately default to the full blown conservation plan process that they had before and if they are willing to go down that path then it is fine. Mr. Coen stated that all they need is (a) some type of plan that they will be going to get and reaching compliance by that plan and (b) if they do the checklist it will be laced up in the plan or at least would be helpful to plan. Mrs. Baker stated that they have not totally run by with CBLAD what is or is not acceptable. She stated that after they get more information gathered and meet with Tri-County and meet with GWRC and get input from other people around locally then they will follow up with Chesapeake Bay individuals and present the plan for March 31, 2013 and asked if it sounds reasonable. Mr. Coen asked if Mrs. Baker would be checking with Spotsylvania, Prince William, and King George to see where they are. Mrs. Baker agreed. Mr. Hunt stated that it would be worth checking, but he would be shocked if they were in compliance. Mrs. Clark stated that they should get a list of people in Stafford that are already on the list. Mrs. Baker stated that is the intent of the May 3rd meeting. She stated that Matt Carroll volunteered to the committee that he is ready to sit down and go over some of the information and see what they can and cannot have based on confidentiality, and they will broach the other topics and set out a strategy. Mr. Coen stated that it would be helpful with the Board and everyone else if they are leading the pack and learn from them by what they have done, and if they are the leaders then it can't hurt. Mr. Hunt agrees. Mrs. Baker stated that she will keep working and it will be a little difficult without Mike Lott until someone new is hired. Mr. Adams stated that he cannot make the 3rd and he is unavailable on Thursdays. Mrs. Baker stated that she will keep working with Steve Hubble and Amber Forestier to see what information they have for them and see what she can get and what else is needed and where to go from there.

5. New Business

Mr. Coen asked if anyone had any new business the needed to be discussed or if anyone had any announcements. Mrs. Clark replied there was no new business.

6. Next Meeting

- May 28, 2012 Regular Meeting (Reschedule due to Memorial Day holiday)

Mr. Coen stated that the next meeting would be May 28th, which is the Memorial Day holiday. He asked if the committee would like to reschedule it, put a feeler out to those that could not attend the meeting that night, or wait until June. Mr. Hunt suggested moving the meeting a week earlier or someday that week. Mrs. Baker stated that she was unsure of the amount of information that would be available for that meeting. Mr. Coen stated whatever is going on with the May 3rd meeting, if anything special is needed for the 19th, that could be communicated through email. Mrs. Clark suggested waiting for the 19th. Mr. Coen asked if the committee would be okay with skipping the May meeting and wait until June. Mrs. Clark agreed to the statement. Mr. Coen called for a motion. Mr. Hunt made a motion to move the

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meeting to June 25, 2012 and Mrs. Clark seconded. Mr. Coen asked if there was any discussion. No discussion necessary. Mr. Coen called for the vote. The vote passed 4-0.

7. Adjournment

With no further business Mr. Coen adjourned the meeting at 7:44 p.m.